

UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2016 AUG 23 PM 2:58

UNITED STATES OF AMERICA,

STEPHAN HARRIS, CLERK
CASPER

Plaintiff,

v.

JESUS PEREZ-SANCHEZ,

Defendant.

CRIMINAL COMPLAINT

Case Number: Wemy 074-85

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about August 17, 2016, in the District of Wyoming, the Defendant, **JESUS PEREZ-SANCHEZ**, an alien who had previously been deported, was found to be intentionally in the United States, at Park County, Wyoming, the said Defendant having not obtained the consent of the Attorney General of the United States, or her successor, the Secretary of Homeland Security, to reapply for admission into the United States.

In violation of 8 U.S.C. §§ 1326(a)(1) and (2).

I further state that I am a Deportation Officer with the Department of Homeland Security, Immigration and Customs Enforcement and that this complaint is based on the following facts:

(See attached Sworn Statement)

Continued on the attached sheet and made a part hereof.

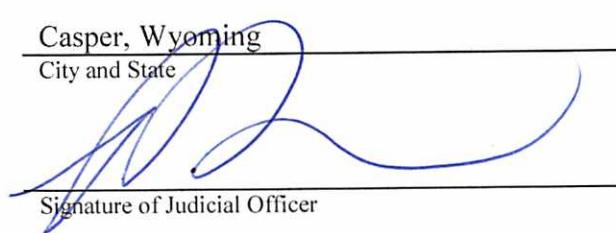

Signature of Complainant
BRETT LAYMAN

Sworn to before me and subscribed in my presence,

August 22, 2016
Date

at Casper, Wyoming
City and State

HON. R. MICHAEL SHICKICH
United States Magistrate Court Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

**SWORN STATEMENT IN SUPPORT OF CRIMINAL COMPLAINT
DEPORTATION OFFICER BRETT LAYMAN
U.S. v. JESUS PEREZ-SANCHEZ**

1. I, Brett W. Layman, am a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement (hereafter referred to as ICE), assigned to the Casper, Wyoming ICE office.

2. I have been employed as a Deportation Officer with the Enforcement and Removal Operations office in Casper, Wyoming since September 2015. I have over four years experience enforcing Immigration and Customs laws within the United States. I have successfully completed the Immigration and Customs Enforcement Deportation-Integrated (ICE-D) training course at the Federal Law Enforcement Training Center in Glynco, Georgia. Based on my training and experience in the investigation of federal immigration laws and my investigation of the facts outlined below, I have reason to believe that **JESUS PEREZ-SANCHEZ** is unlawfully present in the United States after having been previously removed from the United States by ICE.

3. On August 17, 2016, **JESUS PEREZ-SANCHEZ** was arrested by the Wyoming Highway Patrol for a local charge of driving under the influence of alcohol and interference, **PEREZ-SANCHEZ** was booked into and released from the Park County Detention Center.

4. On August 18, 2016, your affiant conducted a telephonic interview with **PEREZ-SANCHEZ**, during which **PEREZ-SANCHEZ** stated that his true name is **JESUS PEREZ-SANCHEZ**. During the biographical interview **PEREZ-SANCHEZ** also stated that he had been previously removed from the United States on one prior occasion.

5. On August 17, 2016, your affiant obtained the fingerprints of **PEREZ-SANCHEZ** from the Teton County Detention Center. These fingerprints were submitted to

ICE's biometric identification system (IDENT), and were found to match the pre-existing immigration record associated with **PEREZ-SANCHEZ**. These fingerprints were also submitted to the Next Generation Identification (NGI) system and were found to match a pre-existing record associated with **PEREZ-SANCHEZ**.

6. On August 17, 2016, your affiant reviewed documents contained within the Alien Registration File 089 822 138, pertaining to **PEREZ-SANCHEZ**. The documents included: 1) an Order of the Immigration Judge, dated February 12, 2009, ordering **JESUS PEREZ-SANCHEZ** be removed from the United States; and 2) a Government Form I-205 (Warrant of Removal/Deportation) revealing **JESUS PEREZ-SANCHEZ** had last been formally removed to Mexico at El Paso, Texas on February 27, 2009.

7. On August 17, 2016, your affiant reviewed the Computer Linked Application System (CLAIMS) database and found no record or indication that **PEREZ-SANCHEZ** had applied to either the Attorney General of the United States, or her successor, the Secretary of Homeland Security, for permission to re-enter the United States after having been formally removed.

8. On August 17, 2016, your affiant reviewed the criminal history related to **JESUS PEREZ-SANCHEZ** which revealed: 1) Subject has a DUI and Interference charge pending.

FURTHER YOUR AFFIANT SAYETH NOT

DATED this 13 day of August, 2016.


BRETT LAYMAN

Sworn and subscribed to before me this 13 day of August, 2016.


Hon. R. Michael Shickich
United States Magistrate Court Judge

DEPARTMENT OF HOMELAND SECURITY (DHS)
IMMIGRATION DETAINER – REQUEST FOR VOLUNTARY ACTIONSubject ID: 356507341
Event #: CSP1608000012File No: 089 822 138
Date: August 19, 2016TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)
DE MARSHALL - CASPER
111 S. WALCOTT ST.
CASPER, WY 82601FROM: (DHS Office Address)
DRO - Casper, WY Sub-Office
ICE
ERO CASPER SUB OFFICE
150 E. B STREET, ROOM 1014Name of Subject: PEREZ-SANCHEZ, JESUSDate of Birth: _____ Citizenship: MEXICO Sex: M

1. DHS HAS DETERMINED THAT (mark at least one option in subsection A and one option in subsection B, or skip to section 2):

A. THE SUBJECT IS AN IMMIGRATION ENFORCEMENT PRIORITY BECAUSE HE/SHE:

has engaged in or is suspected of terrorism or espionage, or otherwise poses a danger to national security;

has been convicted of an offense of which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or is at least 16 years old and intentionally participated in an organized criminal gang to further its illegal activities;

has been convicted of an offense classified as a felony, other than a state or local offense for which an essential element was the alien's immigration status;

has been convicted of an aggravated felony, as defined under 8 U.S.C. § 1101(a)(43) at the time of conviction;

has been convicted of a "significant misdemeanor," as defined under DHS policy; and/or

has been convicted of 3 or more misdemeanors, not including minor traffic offenses and state or local offenses for which immigration status was an essential element, provided the offenses arise out of 3 separate incidents.

B. PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON:

a final order of removal against the subject;

the pendency of ongoing removal proceedings against the subject;

biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE SUBJECT TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION.

Upon completion of the proceeding or investigation for which the subject was transferred to your custody, DHS intends to resume custody of the subject to complete processing.

IT IS THEREFORE REQUESTED THAT YOU:

- Serve a copy of this form on the subject and maintain custody of him/her for a period NOT TO EXCEED 48 HOURS beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. This request takes effect only if you serve a copy of this form on the subject, and it does not request or authorize that you hold the subject beyond 48 hours. This request arises from DHS authorities and should not impact decisions about the subject's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.
- As early as possible prior to the time you otherwise would release the subject, please notify DHS by calling U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) at 307-261-6578. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
- Notify this office in the event of the subject's death, hospitalization or transfer to another institution.

If checked: Please cancel the detainer related to this subject previously submitted to you on _____ (date).
B 8119 LAYMAN - Deportation Officer

(Name and title of Immigration Officer)

(Signature of Immigration Officer)

Notice: If the subject is taken into DHS custody, he or she may be removed from the United States. If the subject may be the victim of a crime or you want the subject to remain in the United States for a law enforcement purpose, please notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing, or faxing a copy to _____.

Local Booking/Inmate #: _____ Est. release date/time: _____ Date of latest criminal charge/conviction: _____

Latest offense charged/convicted: _____

This Form I-247D was served upon the subject on _____, in the following manner:

 In person by inmate mail delivery other (please specify): _____

(Name and title of Officer)

(Signature of Officer)

DHS Form I-247D (5/15)

PENALTY SUMMARY

DEFENDANT NAME: JESUS PEREZ-SANCHEZ

DATE: August 22, 2016

INTERPRETER NEEDED: Yes

PLACE OF TRIAL: The government, pursuant to Rule 18, F.R.Cr.P., with due regard for the convenience of the Defendant, any victim and witnesses, and the prompt administration of justice, requests trial be held in:
Cheyenne

VICTIM(S): No

OFFENSE/PENALTIES: 8 U.S.C. §§ 1326(a)(1) and (2)
(Illegal Re-Entry of Previously Deported Alien into the United States)

0-2 Years Imprisonment
Up To \$250,000 Fine
1 Year Supervised Release
\$100 Special Assessment

AGENT: Brett Layman, ICE

AUSA: Timothy J. Forwood, Assistant United States Attorney

ESTIMATED TIME OF TRIAL: 1 to 5 days

WILL THE GOVERNMENT SEEK DETENTION IN THIS CASE: Yes

ARE THERE DETAINERS FROM OTHER JURISDICTIONS: ICE Detainer